

R e m a r k s

Claims 1-28 are pending in the application.

Claims 4, 5, and 10 are objected to for various informalities.

Claims 1, 3, 8-12, 15, 18-21, 23, and 25-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Chesla et al.'s U.S. Publication 2004/0250124 A1 (hereinafter "Chesla").

Claims 1-7 and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by Lau et al.'s US Publication 2004/0062199 A1 (hereinafter "Lau").

Claims 13, 14, 16, 17, and 22, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., just to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims

has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Drawings

Applicants have amended FIGS. 1, 2, 3A, and 4B to correct inadvertent typographical errors in the reference characters. No new matter has been added.

In FIG. 1, Applicants have replaced references “114₁” and “114₅” with “118₁” and “118_S” respectively; “DSC” with “DCS;” 108₈ with 108_q; and “106” with “106₂.” Applicants have also added arrow signs to lines representing exchange paths “116₁”-“116₇” to indicate network traffic direction of movement over the exchange paths. “116₁”-“116₇”

In FIG. 2, Applicants have replaced a reference number “230” of element “detect” with the reference number 220.

In FIG. 3A, Applicants have replaced “10 Mpps BFLBA” with “1 Mpps BFLBA.”

In FIG. 4B, Applicants have added reference number 416 to indicate “per-attribute scorebooks” element.

Claim Objections

Claims 4, 5 and 10 are objected to for various informalities. Applicants have amended claims 4 and 5 to define variables of formulas recited in the claims. Therefore, the objections regarding claims 4 and 5 should be withdrawn.

Regarding claim 10, the Applicants have amended claim 10 and now believe that the claim now is in proper form. Though the Examiner's explanation as to what "important words" claim 10 might be missing is not clear (see Office Action, page 2), Applicants guess that an element of claim 10, "wherein said confirming said DDoS attack victim," caused the confusion.

Claim 10 is a dependent claim that depends upon dependent claim 9, which in turn depends upon claim 8. Claim 8 recites the following step: "aggregating, in a network comprising a centralized controller and a plurality of routers forming a security perimeter, victim destination prefix lists and attack statistics associated with incoming packets received from said plurality of security perimeter routers to confirm a DDoS attack victim" (emphasis added). Accordingly, Claim 10 merely refers to an element introduced in independent claim 8 when it recites "wherein said confirming said DDoS attack victim." Therefore, the claim is in a proper form and the objection regarding claim 10 should be withdrawn.

Rejections Under 35 U.S.C. §102

Claims 1, 3, 8-12, 15, 18-21, 23 and 25-28

Claims 1, 3, 8-12, 15, 18-21, 23, and 25-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Chesla. The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Chesla reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Specifically, the Chesla reference fails to teach or suggest at least the plurality of routers forming a security perimeter of a network, as recited in independent claim 1. The Office Action interprets Chesla network elements 42 of Fig. 1C to anticipate Applicants' security perimeter routers (see Office Action, page 3). Applicants disagree.

Fig. 1C of Chesla illustrates a “network security system 20 deployed at the periphery of an Internet Service Provider (ISP) facility 40,” where the ISP facility includes various network elements 42, “such as routers, switches, bridges, servers, and clients” (see page 7, paragraph [0118]). However, Chesla does not disclose that the network elements 42 are security perimeter routers and cannot be equated to such. A typical function of a router is to route/forward data, such as packetized data. However, it is not a function of the simple router to form a security perimeter of a protected network, as described and claimed by Applicants. When a network contains routers, it does not follow that these routers would form a security perimeter of the network. In the cited portions, Chesla does not disclose that the network elements 42 are anything more than routers.

In contrast, Chesla employs the network security system 20 to detect and filter malicious traffic entering a protected network, such as ISP 40 (see page 2, paragraph [0016]). The network security system 20 is typically implemented as a network appliance without an IP address in order to be transparent to attackers (see page 7, paragraph [0119]). Therefore, while the network security system 20 serves to protect against attacks, it cannot serve as a router. Furthermore, Chesla discloses using only one network security system implemented as one network appliance. Therefore, the network security system cannot form a security perimeter of the protected network. Accordingly, Chesla fails to teach or suggest at least the plurality of security perimeter routers, and as such fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1.

As such, independent claim 1 is not anticipated by Chesla and is allowable under 35 U.S.C. §102. Independent claims 8, 18, 26, and 27 recite relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, these independent claims also are not anticipated by Chesla and are allowable under 35 U.S.C. §102.

Because all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable.

Therefore, Applicants' claims 1, 3, 8-12, 15, 18-21, 23, and 25-28 are allowable under 35 U.S.C. §102(e). The Examiner is respectfully requested to withdraw the rejection.

Claims 1-7 and 26

Claims 1-7 and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by Lau. The rejection is traversed.

The Lau reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1. Specifically, the Lau reference fails to teach or suggest at least the plurality of routers forming a security perimeter of a network, as recited in independent claim 1.

The Lau reference discloses "IP filtering techniques for detecting and blocking packets involved in a DDoS attack" (see page 1, paragraph 14). However, Lau discloses an arrangement different from the arrangement claimed by Applicants. Lau teaches employing a network processor to protect a network server from an overload of IP packets. In contrast, Applicants claim the plurality of routers forming a security perimeter of a network. As discussed above in regard to Chesla, neither the network processor, nor a simple router may be equated with the plurality of security perimeter routers. Nowhere in the cited portions does Lau disclose a plurality of security perimeter routers. Therefore, the Lau reference fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1.

As such, independent claim 1 is not anticipated by Lau and is allowable under 35 U.S.C. §102. Independent claim 26 recites relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, independent claim 26 also is not anticipated by Lau and is allowable under 35 U.S.C. §102.

Because all of the dependent claims that depend from the independent claims include all the elements of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Lau.

Therefore, Applicants' claims 1-7 and 26 are allowable under 35 U.S.C. §102(e). The Examiner is respectfully requested to withdraw the rejection.

Allowable Subject Matter

Claims 13, 14, 16, 17, and 22, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for the indication of allowable subject matter with respect to claims 13, 14, 16, 17, 22, and 24. However, for at least the reasons discussed above, the base claims are allowable and, as such, claims 13, 14, 16, 17, 22, and 24 are allowable.

The Examiner is respectfully requested to withdraw the objection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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